

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

JETBLUE AIRWAYS CORPORATION and  
SPIRIT AIRLINES, INC.,

Defendants.

Civil Action No.: 23-cv-10511-WGY

**MOTION OF TRAVELERS UNITED FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF IN SUPPORT OF DEFENDANTS' POSITION**

Travelers United and Charles Leocha, its President and Co-Founder (“Travelers United”), respectfully request leave of court to submit an *amicus curiae* brief in support of Defendants’ position on the proposed merger of Defendants JetBlue Airways Corporation and Spirit Airlines, Inc. Travelers United is the only nonprofit, consumer travel organization advocating for consumers’ needs in this matter. Travelers United regularly brings together the Department of Transportation, the Federal Trade Commission, congressional representatives, and major stakeholders to impact important issues on behalf of travelers. The mission of Travelers United encompasses identifying and promoting ways to improve and enhance travel for consumers across all modes of travel, including airlines. Travelers United is the voice of everyday travelers seeking to be heard while policy is shaped, resulting in a better overall experience for consumers. Travelers United seeks to file an *amicus curiae* brief to help explain consumers’ interests as the Court analyzes the pro-competitive effects of the merger.

“[C]ourts have inherent authority and discretion to appoint amici.” *Bos. Gas Co. v. Century Indem. Co.*, Civil Action No. 02-12062-RWZ, 2006 WL 1738312, at \*1 n.1 (D. Mass. June 21, 2006) (Zobel, J.); *see Mass. Food Ass’n v. Mass. Alcoholic Beverages Control Comm’n*, 197 F.3d 560, 567 (1st Cir. 1999) (“[A] court is usually delighted to hear additional arguments from able amici that will help the court toward right answers . . . .”); *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass. 2015) (Burroughs, J.) (“The role of an *amicus curiae* . . . is to assist the court in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” (quotations omitted)).

Travelers United respectfully requests that this Court exercise its broad discretion to accept the *amicus curiae* brief. No party’s counsel authored the brief in whole or in part. No party or party’s counsel, and no person other than Travelers United, its members, or its counsel, contributed money intended to fund preparing or submitting the brief.

WHEREFORE, Travelers United respectfully requests that this Court grant leave to file an *amicus curiae* brief.

Respectfully submitted,

s/ Glenn A. MacKinlay  
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Dated: December 1, 2023

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule 7.1, I hereby certify that the undersigned has attempted to confer in good faith to resolve or narrow the issues presented by this motion and has not received any response to the relief requested herein.

s/ Glenn A. MacKinlay  
Glenn A. MacKinlay

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and that this document will be served on any unregistered participants by U.S. Mail.

s/ Glenn A. MacKinlay  
Glenn A. MacKinlay